%AO 245B

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Milh	UNITE	ED STATES	DISTRICT (COURT	
MIN'S EAST	ERN	Distric	et of	PENNSYLVANI	A
UNITED STATE:		EURA	JUDGMENT IN	A CRIMINAL CASE	
GARY BENJA		FILED SEP 0 9 2011	Case Number:	DPAE2:07CR00	9038-013
a/k/a "Rizzy	", "Gauge"	MICHAELE KUND OF	USM Number: The syne C. Bryn, Esc	63238-066	
THE DEFENDANT:			Defendant's Attorney		
X pleaded guilty to count(s)	1, 26 & 28 of 2°	^d Superseding Indict	nent		
pleaded nolo contendere to which was accepted by the					
☐ was found guilty on count(after a plea of not guilty.	s)				
The defendant is adjudicated	guilty of these offer	nses:			
Fitle & Section 21 USC §§846, 841(a)(1) & 841(b)(1)(A) 21 USC §§860(a), 841(a)(1) & 8a41(b)(1)(C)	kilograms of cocain	ribute and possess water & 50 grams or more	fintent to distribute 5 of cocaine base ("crack") w/in 1,000 ft of playgre		Count 1 26, 28
The defendant is sente		pages 2 through	6 of this ju	dgment. The sentence is im	posed pursuant to
☐ The defendant has been for	und not guilty on co	ount(s)			
Count(s)		is are	dismissed on the mot	tion of the United States.	
It is ordered that the or mailing address until all find the defendant must notify the	defendant must noti es, restitution, costs court and United S	fy the United States a and special assessmentates attorney of mate	attorney for this district ents imposed by this jud erial changes in econor	t within 30 days of any chang dgment are fully paid. If orde nic circumstances.	e of name, residence, red to pay restitution,
			9/7/11 Date of Imposition of Judgi	ment	
			Signature of Judge Michael M. Baylson, U.S.E Name and Title of Judge Date	J.C.J.	

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DEPUTY UNITED STATES MARSHAL

DEFENDANT: GARY BENJAMIN HARRIS CASE NUMBER: DPAE2:07CR000038-013

	IMPRISONMENT
total terr	The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a n of:
84 mon	ths on each of Counts 1, 26 & 28 to be served concurrently
X	The court makes the following recommendations to the Bureau of Prisons: Defendant be incarcerated in a facility as close to Philadelphia as possible.
X	The defendant is remanded to the custody of the United States Marshal.
	The defendant shall surrender to the United States Marshal for this district:
	□ a □ a.m. □ p.m. on
	as notified by the United States Marshal.
	The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
	before 2 p.m. on of the institute by the Bureau of Prisons to that institute. □ as notified by the United States Marshal.
	as notified by the Probation or Pretrial Services Office.
	RETURN
I have ex	recuted this judgment as follows:
	Defendant delivered to
at	, with a certified copy of this judgment.
	UNITED STATES MARSHAL
	Bv

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Sheet 3 — Supervised Release

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DEFENDANT: GARY BENJAMIN HARRIS DPAE2:07CR000038-013 CASE NUMBER:

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

5 years on Counts 1, 26 & 28, to run concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- the defendant shall not leave the judicial district without the permission of the court or probation officer; 1)
- the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of 2) each month;
- the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer; 31
- the defendant shall support his or her dependents and meet other family responsibilities; 4)
- the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other 5) acceptable reasons;
- the defendant shall notify the probation officer at least ten days prior to any change in residence or employment; 6)
- the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any 7) controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered; 8)
- the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer; 9)
- the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer; 11)
- the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the 12) permission of the court; and
- as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal 13) record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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Sheet 3A -- Supervised Release

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DEFENDANT: GARY BENJAMIN HARRIS
CASE NUMBER: DPAE2:07CR000038-013

ADDITIONAL SUPERVISED RELEASE TERMS

The defendant shall refrain from the illegal possession and/use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. The defendant shall submit to drug treatment, as approved by the Court after receiving a recommendation by the US Probation Office. The defendant shall abide by the rules of any program and remain in treatment until satisfactorily discharged with the approval of the Court.

The defendant shall participate in a mental health program for evaluation and/or treatment as approved by the Court after receiving a recommendation by the U.S. Probation Office. The defendant shall remain in treatment until satisfactorily discharged with the approval of the Court.

The defendant shall provide the US Probation Office with full disclosure of his financial records to include yearly income tax returns upon the request of the US Probation Office. The defendant shall cooperate with the probation officer in the investigation of his financial dealings and shall provide truthful statements of his income.

The defendant is prohibited from incurring any new credit charges or opening additional lines of credit without the approval of the probation officer, unless the defendant is in compliance with a payment schedule for any fine or restitution obligation. The defendant shall not encumber or liquidate interest in any assets unless it is in direct service of the fine or restitution obligation or otherwise has the express approval of the Court.

The defendant shall continue cooperation with the government.

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Since 5 — Criminal Moleculary Conditions

Judgment — Page _

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DEFENDANT: CASE NUMBER: GARY BENJAMIN HARRIS DPAE2:07CR000038-013

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

тот	ΓALS	\$	Assessment 300.00		\$	Fine 1,500.00		Rest \$	<u>itution</u>	
	The deternater after such			deferred until	A:	n <i>Amended J</i>	udgment in a Ci	riminal (Case (AO 245C) wil	l be entered
	The defen	dant	must make restitut	ion (including commu	nity re	estitution) to th	ne following paye	es in the	amount listed below.	
	If the defe the priorit before the	endan y ord Unit	t makes a partial pa er or percentage pa ed States is paid.	ayment, each payee sh ayment column below	all rec	eeive an approx vever, pursuan	ximately proportion to 18 U.S.C. § 3	oned payı 3664(i), a	ment, unless specifie ill nonfederal victims	d otherwise in s must be paid
<u>Nan</u>	ne of Paye	<u>e</u>		Total Loss*		Restit	ution Ordered		Priority or Pe	rcentage
101	FALS		\$		0_	s		0_		
	Restitutio	on am	ount ordered purs	uant to plea agreemen	t \$_					
	fifteenth	day a	fter the date of the	on restitution and a fin judgment, pursuant to default, pursuant to 18	o 18 U	J.S.C. § 3612(f				
X	The cour	t dete	rmined that the de	fendant does not have	the al	oility to pay in	terest and it is ord	lered that	•	
	X the is	nteres	st requirement is w	raived for the X	fine	restitutio	n.			
	the in	nteres	st requirement for	the 🗌 fine 🔲	rest	itution is modi	fied as follows:			

^{*} Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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Sheet 6 — Schedule of Payments

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DEFENDANT: GARY BENJAMIN HARRIS CASE NUMBER: DPAE2:07CR000038-013

SCHEDULE OF PAYMENTS

Hav	ing a	issessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:
A	X	Lump sum payment of \$ 1,800.00 due immediately, balance due
В		Payment to begin immediately (may be combined with \square C, \square D, or \square F below); or
C		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or
D		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
E		Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
F	X	Special instructions regarding the payment of criminal monetary penaltics:
		The defendant may participate in the Burcau of Prisons Inmate Financial Responsibility Program and provide a minimum payment of \$25 per quarter towards the fine/restitution. In the event the fine/restitution is not paid prior to the commencement of supervision, the defendant shall satisfy the amount due in monthly installments of not less than \$100.00 to commence 30 days after release from confinement. The defendant shall notify the US Attorney for this district within 30 days of any change of mailing address or residence that occurs while any portion of the fine/restitution remains unpaid.
imp	rison	ne court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during ment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial ibility Program, are made to the clerk of the court.
The	defe	ndant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.
	Joir	nt and Several
		fendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, corresponding payee, if appropriate.
		e defendant shall pay the cost of prosecution.
	ı ne	e defendant shall pay the following court cost(s):
	The	e defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.